

District Court of the United States for said district an information against R. Hillier's Son Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 9, 1910, from the State of New York into the State of California, of a quantity of Russian cantharides, so-called, which was adulterated and misbranded. The product was labeled: "Powdered Russian Cantharides. Guaranteed by R. Hillier's Son Company."

Microscopic examination of a sample of the product by the Bureau of Chemistry of this department showed that the product contained a great amount of Chinese blistering beetles (*Mylabris cichorii*). Adulteration of the product was alleged in the information for the reason that said drug was sold under the professed standard for purity and strength of powdered Russian cantharides, whereas, in truth and in fact, the said drug fell below the said professed standard under which it was sold in strength and purity, and said drug was a mixture of Russian cantharides and Chinese blistering beetles, which said Chinese blistering beetles reduced the strength and purity of said drug. Misbranding of the product was alleged for the reason that the aforesaid label regarding said drug and the ingredients and substances contained therein was false and misleading in that said label would indicate that said drug consisted of powdered Russian cantharides, whereas, in truth and in fact, said drug consisted of a mixture of powdered Russian cantharides and Chinese blistering beetles.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3274. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 2241. I. S. No. 1880-c.)

On August 13, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on September 16, 1910, from the State of Tennessee into the State of Missouri, of a quantity of an article of food called "Apple Base Cider" which was adulterated and misbranded. The product was labeled: "Apple Base Cider—Guaranteed. The contents of this package, as originally filled, are guaranteed to be made from apples, fortified with sugar. (No distilled spirits, wine or fermented juice of grapes or other small fruits or alcoholic liquors being added.) Flavored with artificial flavor; colored with vegetable color, and contains $\frac{1}{10}$ of 1% benzoate of soda. Sweetened with artificial sweetening matter and conforms to the provisions of the Food and Drugs Act, as passed by Congress, June 30, 1906. We also guarantee the contents of this package, as originally filled, to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)-----	19.72
Reducing sugars after inversion (grams per 100 cc)-----	12.01
Non-sugar solids (grams per 100 cc)-----	7.71
Polarization, direct, 24° C. (°V.)-----	+23.8
Polarization, invert, 23° C. (°V.)-----	+23.9

Polarization, invert, 87° C. (°V.)	+23.1
Glucose (per cent)	14.2
Erythrodextrin test: Positive.	
Ash (grams per 100 cc)	0.23
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	11.6
Total acidity as acetic (grams per 100)	0.417
Fixed acid as malic (grams per 100 cc)	0.248
Lead precipitate: Heavy.	
Color (degrees, $\frac{1}{2}$ inch, brewer's scale)	1.5
Saccharin: Positive.	
Benzoic acid: Positive.	
Saccharin (grams per 100 cc)	0.02
Sodium benzoate (grams per 100 cc)	0.15
Alcohol (per cent by volume)	7.00

Adulteration of the product was alleged in the information for the reason that it was not apple cider nor apple base cider, but was an imitation cider made in part by the fermentation of impure starch sugar, containing a high amount of dextrin and being a highly alcoholic compound. Adulteration was alleged for the further reason that the product contained added phosphoric acid and fermentation of impure starch sugar and dextrin, which said substances had been added wholly or in part for apple cider or apple base cider so as to reduce, lower, and injuriously affect the quality of said article. Misbranding of the product was alleged for the further reason that it was prepared in large part from impure starch sugar, the presence of which was not declared upon the label; for the further reason that the label contained the following, "Fortified with sugar," whereas this statement was false and misleading, in that the same was not fortified with sugar but was prepared from, in part, a solution of impure starch sugar containing dextrin; for the further reason that said article was an alcoholic beverage containing approximately 7 per cent by volume of alcohol, the presence and amount of which was not stated on the label; and for the further reason that the label contained the statement, "Conforms to the provisions of the Food and Drugs Act, as passed by Congress June 30, 1906," whereas, in fact, said label did not conform to the requirements of said act, in that the product was both adulterated and misbranded.

On November 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs of \$15.85. (When this case was reported for prosecution, no claim was made by this department that the product was misbranded, for the reason that the presence and amount of alcohol was not stated on the label thereof, or that it was adulterated for the reason that it contained added phosphoric acid.)

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3275. Adulteration and misbranding of macaroons. U. S. v. F. B. Washburn & Co. Tried to the court and a jury. Verdict of guilty. Pending on motion to set aside verdict and for a new trial. (F. & D. No. 2247. I. S. No. 1928-c.)

On March 30, 1911, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 8, 1913, an amendment to the information, against F. B. Washburn & Co., a corporation, Brockton, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on August 1, 1910, from the Commonwealth of Massachusetts into the State of Pennsylvania, of a quantity of so-called